

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|------------------------------------|---|-----------------|
| ROBERT A. TOMPKINS |) | |
| |) | |
| COMPLAINANT |) | |
| |) | |
| v. |) | CASE NO. 97-051 |
| |) | |
| BELLSOUTH TELECOMMUNICATIONS, INC. |) | |
| |) | |
| DEFENDANT |) | |

ORDER TO SATISFY OR ANSWER

BellSouth Telecommunications, Inc. ("BellSouth") is hereby notified that it has been named as defendant in a formal complaint filed on January 29, 1997, a copy of which is attached hereto.

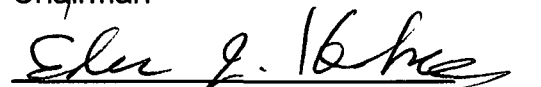
Pursuant to 807 KAR 5:001, Section 12, BellSouth is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 10th day of February, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

97-00234

Robert A. Tompkins
2599 Jackstown Road
Carlisle, Kentucky 40311
Telephone 606-383-9211

RECEIVED
JAN 29 1997
PUBLIC SERVICE
COMMISSION

January 27, 1997

Bob Johnston
Manager, Consumer Services
Public Utility Commission
730 Schenkel Lane
Post Office Box 615
Frankfort, Ky 40602

97-051

Dear Bob:

Enclosed is my complaint against BellSouth as we discussed some time back.

If you have any questions or require additional information I can be reached at the number shown above.

Sincerely,



Robert A. Tompkins

Enclosures: 2 Page complaint against BellSouth.

RG

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Robert A. Tompkins
Complainant

VS.

BellSouth
Defendant

)
)
)
) No. _____
)
)
)

COMPLAINT

The Complaint of Robert A. Tompkins respectfully shows:

(a) Robert A. Tompkins
2599 Jackstown Road
Carlisle, Kentucky 40311

(b) BellSouth

(c) That: BellSouth charged complainant \$493.00 special construction to install two telephone lines at complainants home on Jackstown road. The complainants house on Jackstown road is within 400 feet of Jackstown road (Highway 13) and therefore would have been within the 750 feet specified in the "GENERAL SUBSCRIBER SERVICES TARIFF" and no special construction charges would have applied if BellSouth had continued to run their lines west along Jackstown road (Highway 13).

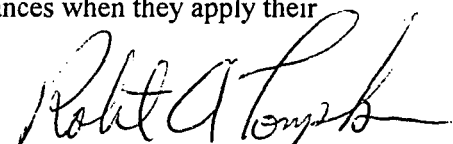
BellSouth, solely as their decision and for their convenience, decided that complainants house was the last house going west on Jackstown road (Highway 13) to be served by the Little Rock central office and diverted the telephone lines from Jackstown road just east of complainant's property and routed the lines south along the Little Rock Jackstown road. The telephone line goes right by the complainants neighbor on the east side of the complainants property. The neighbors house, west of the complainants house, is served by the Millersburg central office. BellSouth, solely at their description, made the complainant's house the last house served by the Little Rock central office and routed their lines, at their sole discretion, such that the complainant's house is located more than 750 feet from their main line and now they are interpreting their tariffs so that special construction charges apply. The complainant's house is over 100 years old, so it was there before BellSouth installed their central offices and/or any telephone service in the area. (See attached diagram)

The Federal Communications Commission has mandated "Universal Service" and has mandated that this service must be provided in a non-discriminatory manner. Under the methodology that BellSouth is using to apply their tariffs, the complainant is being discriminated against.

It is unreasonable and unfair for a public utility to be allowed to use their publicly filed tariffs to discriminate against a single customer, when the whole basis for that discrimination was solely at the discretion of the utility. If BellSouth had decided to serve one additional house west of complainants house on Jackstown road (Highway 13) then their lines would have continued west along Jackstown road and easily passed within 750 feet of complainant's house.

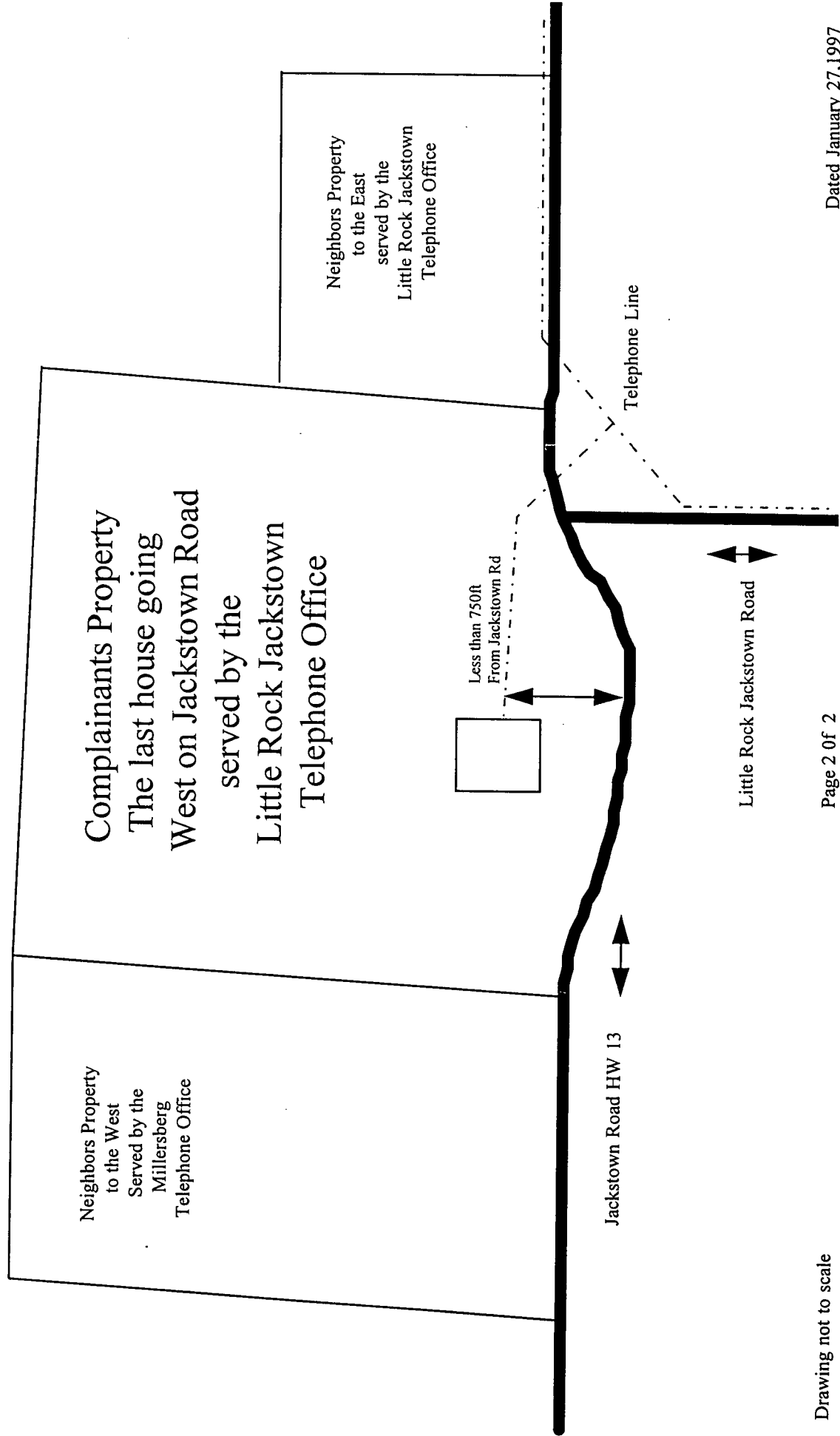
Wherefore, complainant asks that the special construction charge of \$493.00, that was paid by the complainant, be refunded to the complainant and that BellSouth considers the special circumstances when they apply their tariffs.

Dated at Carlisle, Kentucky, this 27th day of January, 1997.



Robert A. Tompkins

↑
North



Drawing not to scale

Page 2 Of 2

Dated January 27, 1997